

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed August 8, 2007. In the Office Action, claims 1, 2, 4, and 5 were rejected under 35 U.S.C. §102, and claims 3, 6-13, and 15-19 were rejected under 35 U.S.C. §103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication of allowable subject matter. The Examiner objects to claim 14 as being dependent on a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form. Applicants have amended independent claim 13 to include the limitations of dependent claim 14. Claim 14 has been cancelled without prejudice. Hence, Applicants respectfully submit that independent claim 13 and all claims that dependent therein are in condition for allowance.

Telephone Conference

Based on the foregoing and in light of the amendments to the claims, Applicants respectfully request that the Examiner reconsider the allowability of all of the pending claims. The Examiner is respectfully requested to contact the undersigned attorney at the phone number listed below if, after reconsideration, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application.

Rejection Under 35 U.S.C. § 102

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. §102(e) as being anticipated by Aboba (U.S. Publication No. 2004/0243846). Applicants respectfully disagree and traverse the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

“The identical invention must be shown in as complete detail as is contained in the...claim.”
Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).
We contend that Aboba does not teach each and every element of the claimed invention.

As an illustrative example, with respect to independent claim 1, the Office Action states that the authentication server (208) of Aboba constitutes the “wireless network switch” as claimed. We disagree with this interpretation. It is well known and understood in the industry that authentication server (208), such as a RADIUS® server, is a different networking device than a WLAN switch. In fact, Applicants currently deploy both a WLAN switch and a RADIUS® server in network configurations, with the WLAN switch in communication with a RADIUS® server positioned elsewhere in the network. Hence, Applicants respectfully request the Examiner to withdraw the outstanding §102(e) rejection based upon the clear distinction between authentication servers and WLAN switches.

Moreover, despite this claim construction, Applicants respectfully submit that the authentication server (208) does not “receive a DEAUTHENTICATION message sent by one of the plurality of access points in a coverage area of the station and to block communications between the plurality of access points and the station in response to determining that the DEAUTHENTICATION message is invalid.” First, the authentication server (208) does not receive any DEAUTHENTICATION message. Rather, management frame verification is conducted by the management frame recipient (e.g. AP). *See paragraph [0059] of Aboba*. Therefore, the authentication server (208) has no involvement in the verification scheme.

Second, paragraphs [0058]-[0060] of Aboba do not describe any scheme for blocking communications between the access points and the station in response to a determination that the DEAUTHENTICATION message is invalid. Rather, paragraph [0058] describes the avoidance of premature termination or alteration of the association, which indicates that the verification scheme is directed to a technique to maintain communications, not to “block” communications.

In light of the foregoing, Applicants respectfully request the Examiner to withdraw the outstanding §102(e) rejection as applied to independent claim 1.

With respect to dependent claims 2 and 4-5, Applicants respectfully traverse the rejection, but since claims 2 and 4-5 are dependent on claim 1, believed by Applicants to be in condition for allowance, such claims are in condition for allowance. Additionally, Applicants respectfully submit that these claims on their own are allowable because a *prima facie* case of anticipation has not been established.

For example, with respect to claim 2, the Office Action alleges that Aboba describes the DEAUTHENTICATION message being held invalid “upon determination that the DEAUTHENTICATION message originated from a source (see authorized user, paragraph 58) other than the wireless network switch.” *See page 3 of the Office Action.* Applicants respectfully submit that Aboba does not consider management frames invalid when received from an authorized user (i.e., referred to as an “authorized party” in paragraph 58). In contrast, the management frames are verified using a key-based system when received from an authorized party, namely the station or the access point. *See paragraph [0059] of the Office Action.*

Moreover, with respect to claim 4 for example, Applicants respectfully submit that the paragraphs [018, 0045, 0049] of Aboba are directed to preventing network devices from being booted off the network by a false disassociation request. *See page 3 of the Office Action.* In other words, the scheme is directed to maintaining communications. Such teachings are contrary to the claimed invention that is directed to “blocking” communications, thereby preventing further communications by APs with the “blocked” station.

In light of the foregoing, Applicants respectfully request that the outstanding §102(e) rejection be withdrawn. Applicants reserve the right to present further arguments if an Appeal is warranted.

Rejection Under 35 U.S.C. § 103

1. Claims 3, 6, 13, and 15-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aboba in view of Eran (U.S. Publication No. 2004/0063455). Applicants respectfully submit that this ground for rejection identifies claims (7-12; 13, 15-17; 18-19) that are involved with different grounds for rejections. Hence, we will presume that this rejection is based on claims 3 and 6 exclusively.

Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988)*. Herein, the combined teachings of the cited references fail to describe or suggest all of the claim limitations.

With respect to dependent claims 3 and 6, these claims are dependent on claim 1, believed by Applicants to be in condition for allowance. Hence, such claims are in condition for allowance. Moreover, Applicants respectfully submit that these claims on their own are allowable because a *prima facie* case of anticipation has not been established.

With respect to claim 3, Applicants incorporate the arguments set forth above in traversing the outstanding §102 rejection. Additionally, Applicants respectfully submit that neither the combined operations of the manager (30) of Eran involving the ARP table nor the authentication server (208) of Aboba, alone or in combination, suggest the wireless network switch as claimed. *See page 5 of the Office Action*. As previously stated, the authentication server (208) of Aboba has no involvement in a management frame verification process. Moreover, none of these references describe or suggest “recovering a destination address of the DEAUTHENTICATION message and comparing the destination address with a list of destination addresses associated with valid DEAUTHENTICATION messages transmitted by the wireless network switch.” Hence, Applicants respectfully request withdraw of the §103(a) rejection as applied to claim 3.

With respect to claim 6, Applicants respectfully submit that Eran teaches retransmission of association requests where no response is received within 10 microseconds. *See page 6 of the Office Action*. There is no teaching or suggestion by either Aboba or Eran that the wireless network switch (authentication server 208 of Aboba) is adapted to *deny subsequent request messages* from the station *for a prescribed period of time*. *Emphasis added*.

In light of the foregoing, Applicants respectfully request that the outstanding §103(a) rejection as applied to claims 3 and 6 be withdrawn. Applicants reserve the right to present further arguments if an Appeal is warranted.

2. Claims 7-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eran in view of Smith (U.S. Publication No. 2005/0059353). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

With respect to claim 7, Applicants respectfully submit that neither Eran nor Smith, alone or in combination, describe or suggest the operation of “responding only to the second PROBE REQUEST message on behalf of an access point selected to associate with the station using at least the RSSI value.” *See pages 7-8 of the Office Action.* The Office Action states that figure 4 (block 425) of Smith provides such teachings. *See page 8 of the Office Action.* Upon review, we disagree in that Smith is directed to adaptive PROBE REQUESTS and the act of determining the time period between the transmission of PROBE REQUESTS does not teach the claimed operation of responding to only to second PROBE REQUEST message.

In light of the foregoing, Applicants respectfully request that the outstanding §103(a) rejection as applied to independent claim 7 be withdrawn.

With respect to dependent claims 8-12, Applicants respectfully traverse the rejection, but since claims 8-12 are dependent on claim 7, believed by Applicants to be in condition for allowance, such claims are in condition for allowance. Therefore, any discussion as to the allowability of these claims is moot. Applicants reserve the right to present further arguments if an Appeal is warranted.

3. Claims 13 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eran in view of Chellali (U.S. Patent No. 5,878,119). Applicants respectfully submit that a *prima facie* case of obviousness has not been established. However, since claim 13 has been amended to include the limitations of objected claim 14, and is now in condition for allowance, Applicants respectfully request the Examiner to withdraw the outstanding §103(a) rejection.

4. Claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eran in view of Son (U.S. Publication No. 2004/0185852). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

With respect to claim 18, Applicants respectfully submit that neither Eran nor Son, alone or in combination, describe or suggest the operations of “creating a list including the MAC address of each of the plurality of access points and the corresponding channel number” and “providing the list to the station originally initiating the PROBE REQUEST message at completion of an association phase between the station and one of the plurality of access points.” In fact, the Office Action states that the list constitutes an ARP table. We disagree. As the Examiner is aware, the ARP table is used in a manner different than an Association table, and thus, is not provided upon completion of the association phase as claimed.

Hence, since claim 19 is dependent on claim 18, which appears to be in condition for allowance, Applicants respectfully request the Examiner to withdraw the outstanding §103(a) rejection as applied to claims 18 and 19.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1-19 are allowable over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/08/2007

By


William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025